

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GOWANUS INDUSTRIAL PARK, INC.,

Plaintiff,

against

HESS CORPORATION,

Defendant.

:
:
: Civil Action No. 10-05522 (JG) (JO)

:
:
: **ECF CASE**

:
:
: **DECLARATION OF**
: **CHARLES S. SIMS**

Charles S. Sims, an attorney in good standing admitted to practice in New York State, including the United States District Court for the Eastern District of New York, hereby declares under penalty of perjury as follows:

1. I am a partner with Proskauer Rose LLP, attorneys for defendant Hess Corporation (“Hess”). I submit this declaration in opposition to the motion of plaintiff Gowanus Industrial Park, Inc. (“GIP”) for summary judgment and in support of Hess’s cross-motion for summary judgment to place before the Court the exhibits cited in Hess’s accompanying memorandum of law.

2. True and correct copies of the following documents are annexed hereto:

EXHIBIT 1: An aerial image of the Henry Street Basin from Google Maps, marked as Exhibit 1 in the deposition of John Quadrozzi, Jr., agreed to be reliable by the parties, and available at <http://maps.google.com/maps?q=henry+street+basin,+ny,+ny&hl=en&ll=40.670109,-74.002533&spn=0.0076,0.013711&sll=37.0625,-95.677068&sspn=32.527387,56.162109&t=h&z=16>.

EXHIBIT 2: Survey prepared by Bartlett, Ludlam and Dill for the Port Authority, dated August 2, 1945, obtained under subpoena from the Port Authority.

EXHIBIT 3: Certified tax maps from the City of New York Department of Finance, dated July 7, 2011, displaying the property on which Hess, or its predecessors-in-interest, have been paying taxes since at least January 1925.

EXHIBIT 4: A copy of selected pages from the transcript of the deposition of John Quadrozzi, Jr., dated June 29, 2011.

EXHIBIT 5: A copy of the transcript of the hearing on Hess's motion to dismiss GIP's initial complaint, dated March 29, 2011.

Declared under penalty of perjury on 12 August 2011.



Charles S. Sims